

From Form to Dysfunction?  
Disconnect within Language Planning Policy of  
*No Child Left Behind*

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## **Declaration**

This dissertation is my own original work, submitted in partial fulfillment of a Master of Science in Applied Linguistics from the University of Edinburgh. I have read and understood The University of Edinburgh guidelines on plagiarism and declare that this written dissertation is all my own work except where I indicate otherwise by proper use of quotes and references.

**Signed:** \_\_\_\_\_

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## **Abstract**

The following textual study aims to review the strengths and weaknesses of current second language policy and legislation within the United States education system, and argue for the benefits of pro bilingual education legislation in regards to the science of second language acquisition. Highlighting the disconnect between language planning and policy and the reality of how language instruction and acquisition actually functions, the following study analyses the current language-in-education legislation found within the policies of No Child Left Behind in the United States. With theories of language-in-education planning and policy lending support to the top-down method of how language acquisition in education should function, No Child Left Behind is reviewed in terms of scientific data from second language acquisition in order to view the legislation as effective or ineffective with regards to how second language learning and bilingual education actually does function. Although the current language legislation within Title III of No Child Left Behind is determined to be ineffective as a means of ensuring proficient English language acquisition or preferred bilingualism, and these discrepancies between policy goals and the reality of implementation within the policy highlight the disconnect between theory and actuality, simple solutions to this dilemma of language plurality in schools have yet to be discovered.

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## 1.0 Introduction

There exists at present much debate within the field of language planning and policy regarding a distinct discrepancy between the theory of language ideology and the actual practice of policy implementation or reality of how legislation works. That is, there is disconnect between how language policy *should* function and how it realistically *does* function. The debate regarding this top-down theory of language policy and ideology verses the bottom-up argument for creation and implementation of policy which is in tune with the reality of language (and education) is currently of particular interest within the United States. With particular theories of language-in-education planning and policy lending support to the top-down theory of how language acquisition in education should function, the bilingual or English language acquisition policy (Title III) of No Child Left Behind is criticized for the disconnect it creates between the ideological and political goals of the policy and current scientific data which substantiates the reality of how children learn and achieve in a second language.

## 1.1 Research Context

According to the most recent United States census in 2004, 12% of the registered voters in America's population are foreign born, and according to 2008 estimates of the U.S. population, immigration is rising steadily each year (U.S. Citizenship and Immigration Services 2004). With this constant flux of new citizens comes the language debate. As most recent immigrants to the United States are of Latin American origin, the increase of Spanish use (along with other minority languages) in America becomes prevalent. Therefore, due to a large population of native Spanish (and minority language) speaking citizens, it seems appropriate that current and future language in education legislation and policy should address the dilemma of bilingualism or second language acquisition. In response to this dilemma, Title III of the No Child Left Behind Act was signed into law on January 8th, 2002 under the administration of President George W. Bush.

At the core of this theoretical study is review of current language and bilingual education policies within the United States, most notably, the No Child Left Behind Act mentioned above. Signed into law on January 8<sup>th</sup>, 2002, the No Child Left Behind Act replaced the Improving America's Schools Act of 1994 as the federal education policy for the United States. In addition to lack of public support, this piece of particular legislation has come under fire as the replacement for the Elementary and Secondary Education Act of 1965, which, in 1968, was amended to include Title VII, the Bilingual Education Act (Evans and Hornberger 2005). In 2002, the No Child Left Behind Act amended Title VII and produced Title III: Language Instruction for Limited English Proficiency and Immigration Students. The result of this unfunded mandate in 2002 was the distress of student's native language and resultant focus on English proficiency expected from reduced funding and a shorter period of English acquisition courses. What is of importance regarding No Child Left Behind is that the focus on bilingual education is shifted primarily to English acquisition, ignoring possible benefits of dual language instruction and the repercussions of the restrictions placed on how a child must subtractively learn in English. Instead of allowing the child to naturally acquire English language through explicit and implicit instruction in the 5-7 years that theories of second language acquisition predict (Thomas and Collier 2002), No Child Left Behind limits the period of acquisition allowed for children to become competent in their second language and perform at grade level. This shorter expected period of acquisition appears disconnected from current research on second language acquisition, and researchers such as Palmer and Lynch (2008), Wright and Li (2008) and Harper, de Jong and Platt (2008) have reported the pressures and consequences No Child Left Behind has had on students. In the following study, a hopeful continuation of their work is expected, including an understanding of the disconnect between language policy and children's educational requirements in regards to second language acquisition and the effects of bilingualism and second language acquisition on educational performance, in an effort to support recognition of bilingual classroom practices and teaching methods (although this aim is undoubtedly ambitious for the project). Finally, if current legislation is found unsuitable for the required conditions within second language acquisition, theories of language planning and policy within education will aid in assessment of whether or not current and future legislation can bridge the gap between ideology and the reality of implementation.

## 1.2 Research Methods

The research in this study focuses on two fields of linguistics imperative within the understanding of No Child Left Behind and language in education policy: theories of Language Planning and theories of Second Language Acquisition. Following literature reviews of research in both subjects, a closer look at the legislation of No Child Left Behind, as well as a review of previous language or bilingual education policies in the United States, is then conducted. The following analysis of current second language acquisition theories is then contrasted against stipulations within the policy in order to assess the effectiveness of No Child Left Behind and determine how large the gap between existing language theory or ideology and language policy implementation actually is. Is the disconnect between language ideology and how language policy *should* function in relation to the reality of implementation and how language policy *does* function existent within the policy of No Child Left Behind? How do the theories of second language acquisition and the role of the first language support provisions within the legislation for bilingual education or English acquisition programs? It is the answers to these questions that provide insight into theories of language policy and language-in-education, and which can ultimately guide future policy making decisions to support the goals of language-in-education legislation.

Finally, as previously mentioned, the following study focuses on two distinct (but often overlapping) areas of Applied Linguistics: Language Planning and Policy and research concerning the role of the first language (L1) in Second Language Acquisition and Bilingual Education. In the context of this short dissertational study, full review and assessment of both these distinct fields is not only ambitious, but undoubtedly impossible. However, in order to fully understand and analyze the topic of research at hand (disconnect between ideology and scientific reality in No Child Left Behind) review and use of both subjects are imperative. In order to answer questions involving ideology behind language legislation (theories of LPP) in relation to current realities (SLA data), both topics must be briefly addressed. Understandably, much will remain unstudied within both fields; it is impossible to include complete

theory of such large and complex subjects. Therefore, the lack of complete analysis of both theories in Language Planning and Policy and Second Language Acquisition is recognized and accepted in aid of a broad theoretical study of current language legislation.

## **2.0 Literature Review**

### **2.1 Language Planning and Policy: Theory vs. Practice**

The following literature review focuses primarily on language planning policy and its disconnect from society. Before a review of current legislation and policy is conducted, a background and understanding of how language policy actually works is necessary for deeper understanding and research within the field. As mentioned, imperative to this review of language planning and policy is the distinction within analytical approaches and frameworks for language planning which cannot be ignored: the disconnect between theory and reality within language planning. The theories reviewed in this chapter focus on this often large discrepancy between policy and planning, and the reality of language use.

#### *2.1.1 Current and Historical Theories of LPP*

The field of language planning and policy has transitioned over the years as a result of dominant global events such as mass migration, imperialism and the formation of regional coalitions (Ricento 2000). In reaction to these changes, theories and agendas of language planning and policy typically fall under what Ricento (2000) categorizes as the three factors which shape the field (what influences policy goals, methodologies used etc.): (1) the macro sociopolitical, (2) the epistemological, and (3) the strategic. It is Ricento's (2000) third period of language policy research, that which has been in effect roughly from the 1980s and up until present day, where we begin our short review of the history and theories of language policy which provides insight into the disconnect between policy and implementation that is relevant to our



study. Ricento's "Third stage: the new world order, postmodernism and linguistic human rights" (Ricento 2000: 203) categorizes what we currently view as modern language policy research as a period influenced both by critical and postmodern theories, where discrepancies between policy theory and policy implementation are acknowledged. Fishman (1994 as cited in Ricento 2000: 206) argues that due to previous "analyses of post-structuralist and neo-Marxist views of the economy, culture and ideology" previous stages of language planning theory often ignore or differentiate between language planning *theory* and language planning *practice*. It is within this current stage of language planning and policy that scholars presently acknowledge, accept and aim to reconcile discrepancies between ideological planning and the reality and agentivity of practice and implementation.

Current theories of language planning policy begin with attempts to identify the requirements for language legislation, and attitudes towards the possible dilemma of multilingualism and resulting policies. In an effort to account for the role played by attitudes towards language, Ruiz (1984 as cited by Hornberger 1994) characterizes the orientations as: language as a problem, language as a right, and finally language as a resource. In relation to these characteristics involving the dilemma of language planning, two prominent approaches towards language policy can be distinguished: a positivist view toward language policy and a postmodernist approach. Classified as inadequate for understanding language policy, a positivist orientation or rational model views government as the sole agent for making choices and, according to Rubin (1971 as cited in Ricento and Hornberger 1996), multilingualism is seen as a problem that states themselves have to solve in order to maximize the ultimate goals of the nation as a whole. In reaction to this model, an approach classified as Critical Theory is cited with proponents such as Pennycook (1995) and Tollefson (1991, 1995). This critical theory approach looks at the broader historical forces determining social policy, and problematizes language as a mechanism for social control by dominant elites. Accepted into Critical Theory is Tollefson's (1991, 1995) Historical-Structural Approach, which assumes that language planning and policy reflects dominant interests and subsequently individuals are not free to choose the languages that they will be educated in.

### 2.1.2 Language as Thought vs. Language as Action

Wright (2007) effectively supports an analysis of problems within language planning policy and highlights the disconnect between language planning goals and the multilingual and fluid reality that exists. Wright identifies three problematic sources in language planning policy and language rights in order to fully understand the difficulties faced within standardized language planning. Wright argues for the power associated with language and the distinction made when minority language rights are highlighted. As language is a good barometer of power, any efforts to appreciate and support the use of minority language will highlight the difference and inferiority the language holds within the given society and languages will inevitably become hierarchical. Secondly, Wright argues that positive language rights are *de facto* group rights, even if they are presented as individual rights. That is, in order to promote minority language rights overall they must be presented as rights of the group and therefore stress on the individual and particular language rights and needs is lessened. Lastly and most significantly, Wright highlights the problem within the nature of language itself and how we conceive it, in order to fully understand the discrepancies which exist between language policy and language planning efforts and the disconnect they may have in regards to the actual languages they aim to recognize.

Wright supports her questions regarding the nature of language using two ideologies central within the debate. Coined by Halliday (2003 as cited in Wright 2007) as philosophical-logic and descriptive-ethnographic, these two schools of linguistic thought regarding the nature of language are prevalent not only within language planning policy, but within the framework of linguistic thought as a whole. A traditionally scientific and prescriptivist rational is described by Wright, supported by positivism in the 19<sup>th</sup> century and followed by structuralism in the 20<sup>th</sup>. With proponents like de Saussure and Chomsky, this school of linguistic thought, which Wright refers to as Language as an Ideal System, stresses the structure and systematicity of language in its most pure form. 'The idea of an abstract, self contained conceptual system, a system of incontestable, normatively identical forms' (Wright 2007), focuses on not how language is used in reality, but stresses the agentivity of the language itself. Due to this clear and objective view of how language actually works, Wright (2007) argues for the appeal that a structuralist view on

language may have in the eyes of policy makers; if a language is not necessarily intertwined with its speakers, legislation restricting and molding the language for the benefit of the group is easily enacted.

In opposition to the language as thought approach (Halliday 2003 as cited in Wright 2007), an understanding of language as action, or language as practice is described by Wright to express the fluidity and connect that language has with its users. From romanticism to postmodernism, Language as Practice proponents such as Medvedev, Voloshinov and Bakhtin argue that the free will of speakers determines how language actually works. As language behavior is created by the users themselves, language change cannot be intentionally imposed from outside or external sources, a reality which often thwarts attempts at language planning. It is this disconnect between legislation and the reality and nature of language that Wright sees as most problematic. As governments disregard that 'it is actually impossible to define languages as distinguishable objects' (Lamb 2004 as cited in Wright 2007), speakers of a minority language must be expected to receive some sort of standardization or systematicity if they hope to gain positive language rights and therefore, in a sense, language policy is needed. Although these required changes may aid the function of the language, they tend to ignore the historical form and fluidity of what language actually is in its purist (although pluralist) form.

The categorization of problems within language policy used by Wright (2007) remains effective tools for analysis. Language as a barometer of power, positive language rights as *de facto* group rights and not necessarily individual rights, and arguments regarding the nature of language as thought or action are problems essential to understanding how and why language planning and legislation may or may not be effective. What remains however, is that there appears no clear solution for connecting the discrepancies between language planning and policy and the realities of minority language use, and the opposing theories of language as thought and language as action may be deeper than different viewpoints within language planning. Is it indeed possible to reconcile these differences between schools of linguistics, and if it is not, how then are we to recognize minority language rights or the importance of first language?

### *2.1.3 Multi-dimensional Theories of Language Planning*

In other theory, a more multi-dimensional view of language policy highlights the various factors and levels of language planning, which work together to create a multi-dimensional construct and help fuse ideology with implementation and agentivity. Within Hornberger's (1994) framework, built on Haugen's (1972, 1983 as cited in Ricento and Hornberger 1996) 4 Matrix Model, a six-dimensional model for understanding language policy is explained. Consisting of 2 language-planning approaches, policy planning (on form) and cultivation planning (on function), the matrix model intertwines 3 types of language planning: status (about uses of language), acquisition (about users of language) and corpus planning (about language). Important in this framework is the stress policy planning places on matters of society and nation at the macroscopic level, and the relevance of corpus planning at the microscopic level.

Ricento and Hornberger (1996) argue for the disconnect between language planning policy and reality in their work on policy and the ELT professional within the process of language policy, using an Onion Metaphor as a framework for analysis which aids in understanding various analytical and theoretical approaches to Language Planning Policy. As Ricento and Hornberger (1996) recognize that there exists no current unified theory on Language Planning Policy, they argue that although certain models are useful in understanding the goals of LPP, it does not necessarily mean that the goals of the legislation are always carried out. Therefore, Ricento and Hornberger (1996) aim to highlight a disconnect between goals in policy and the reality of how legislation works.

As none of the cited models can predict the consequences of one particular language planning policy, Ricento and Hornberger begin description of their Onion Metaphor, presenting the multi-layered constructs involved in how language planning works, in an effort to highlight the sources from which problems in LPP may arise. The outer layer of this onion is composed of the 'broad language policy objectives' articulated in legislation and political process at the national level, how political parties may influence language policy and the institutionalization of policy guidelines and how they may or may not be enforced by an administration. It is in this first layer

that we are able to see gaps between policy goals and their actual implementation, but also where Ricento and Hornberger's concept of the multilayered onion becomes less convincing. The next layer of Ricento and Hornberger's onion is comprised of states and supranational agencies. Although states are not directly involved in most language planning, 'education serves the socio-political and economic interests of the state so that the state can perpetuate and enhance its power,' (Ricento and Hornberger 1996) and therefore states often play an indirect but implicit role in the adoption of language policy, with the power to carry out legislation for their own interest. According to Ricento and Hornberger (1996), institutions are the "relatively permanent and socially constituted systems by which and through which individuals and communities gain identity, transmit cultural values, and attend primary social needs" (Ricento and Hornberger 1996: 415) which make up the next layers of the onion. Citing Ricento's (1995) notion of deep values and Schiffman's (1996) approach to linguistic culture in covert policy, Ricento and Hornberger stress the importance that social attitudes play in institutional contexts where language policy is to be adopted. As language development often begins with grassroots approaches, teachers should be viewed as active agents, with the power to implement policy (Auerbach 1995 as cited in Ricento and Hornberger 1996). Although in principle these layers should work together to create and implement language policy which benefits both top-down and bottom-up attempts at cohesion, Ricento and Hornberger stress that although language planning policy functions as a multilayered construct where components interact and work with each other to enact various goals, gaps between agencies do often exist.

Although it lays claim to the argument that there is disconnect between areas of language planning and policy, Ricento and Hornberger's depiction of language planning and policy as a multilayered onion is also extremely problematic, and the structure of the metaphor remains unclear and slightly unorganized. Questions remain regarding the roles of certain institutions (where does government stand as a whole?), and this multilayered onion is an inadequate model in explaining the large disconnects between institutions and reality that Ricento and Hornberger (1996) initially aim to clarify. Further, although the implication that teachers have the agentivity to implicitly shape policy is persuasive and undoubtedly true, I would argue against Ricento and Hornberger's claim that these teachers are initially unwitting in regards to

the policies they help to activate, and that they are frequently aware that certain legislation may not be in the best interest of the students (in particular legislation on No Child Left Behind, see Hornberger 2005, Palmer and Lynch 2008, and Wright and Li 2008). Although Ricento and Hornberger's argument that existing language policies become ratified through the silence of ELT professionals is convincing, the current theory is lacking as an adequate and solid theory of language policy. But, even if Ricento and Hornberger's onion metaphor remains a lacking and inadequate description of how language policy works as a multilayered construct, the metaphor does well in highlighting the jump between policy goals and the teachers who actually implement them. By urging the active agency of ELT professionals, Ricento and Hornberger (1996) show the need for policy goals and implementation all the way down (or perhaps all the way up).

#### *2.1.4 A Possible Solution: Language Policy and Process*

In an effort to mold a solid theory of language planning using both multi-dimensional frameworks and ideologies as well as actual real world linguistic data, current theories portray language planning as a fluid process, in order to fully understand both the ideology behind the policy and what happens in the classroom. In support of using scientific data to connect the discrepancies between top-down legislation and bottom-up implementation (in this case current theories of second language acquisition), studies involving the ethnography of language policy and contextualization of ethnographic data provide theories of language planning and language-in-education policy with a realistic approach to understanding and combining theories of disconnect.

According to Johnson (2009), the ethnography of language policy attempts to make macro-micro connections by comparing critical discourse analyses of the legislation or policy with ethnographic data collected in a local context. In his 2009 review of the ethnography of language policy in relation to No Child Left Behind, Johnson (2009) investigates the macro-societal context in which the legislation of NCLB was penned, and how such a policy could be appropriated and accepted within the discourse of language planning and policy. According to Johnson, in order to

“understand language (in education) policy, one must consider the (1) agents, (2) goals, (3) processes, and (4) discourses which engender and perpetuate the policy, and (5) the dynamic social and historical contexts in which the policy exists, keeping in mind that these categories are neither static nor mutually exclusive” (Johnson 2009: 156). It is through these factors involved in language planning that the ethnography of language policy achieves its goal of re-conceptualizing language legislation as an ‘interconnected process’ which is realized through text and discourse.

Therefore, the method of the ethnography of language policy provides attractive insight into theories of LPP as it attempts to reject the dichotomization within theories of language planning, which often differentiates “creation” between “implementation” (Johnson 2009), and argues for fluid and not mutually exclusive characteristics involved in the process and discourse of language legislation. So where is the balance? How can we assess current language legislation if we have a standing knowledge that it will always remain disconnected from how the world actually works? Although the literature review with focus on discrepancy between theory and practice is helpful, the question remains unsolved. And even though “language policy is salient in many contexts worldwide, it is unfortunately taken far less seriously by policy-makers than by academics...it is difficult to identify political leaders anywhere with specific competence in understanding or administering language policy comparable to what is expected in other areas of political concern, such as agriculture, the environment, or economics” (Phillipson 1998: 110). Phillipson’s argument is essentially the same in regards to No Child Left Behind: there always exists distance between how languages actually work, and how they should work in order to aid communication and protect individual rights of speakers. Taking a language from what it actually is, to what it should be in order to fulfill legislative requirements will always be problematic. As Ricento (2000), Wright (2007), Hornberger (2005), and Johnson (2009) argue, language planning and policy requires focus on the way language actually functions in specific settings, starting from the bottom (who speaks the language and why) and eventually moving to the top.

## 2.2 Theories on Second Language Acquisition

The following literature review of theories in second language acquisition is imperative for our study of the effectiveness of No Child Left Behind and it's disconnect from the reality of language use and acquisition in the classroom. Theories of second language acquisition in regards to the role of the native language (NL), theories of language transfer or cross-linguistics differences, length of time required for acquisition and necessary environments for second language acquisition are reviewed in order to fully analyze the policy and implications of No Child Left Behind. With discussion and understanding of how second language acquisition functions, it becomes possible to review requirements and expectations given within Title III of NCLB to make conclusions of whether or not the policy is victim to current theories of disconnect in language planning and policy. The following history focuses on special topics in second language acquisition involving language policy and planning. A review of historical theories of SLA, theory construction in SLA, the role of the L1 in second language learning, optimal age of acquisition for SLA and academic achievement, and bilingualism follows:

### *2.2.1 Current and Historical Perspectives in SLA*

“In recent years and in future research, the main task facing those interested in the NL is the determination of how the NL interacts with the TL input, how it interacts with UG of other models of universals, and to what extent it guides learners in the development of L2 grammars” (Gass 2005: 340). It is the answer to these questions which have developed importance within theories of second language acquisition since the 1980's. According to Mitchell and Myles (1998), although the impact of Chomskyan linguistics is still profound (ideas of the Universal Grammar etc.), new perspectives on second language acquisition focus on the selective cross-linguistic differences between a first and a second language. That is, although some weight is still placed on more theoretical and structuralistic theories of innate capacity to produce language, current research places a focus on the relevance of the first language in relation to the second language in SLA and questions the role of the native language in the bilingual classroom setting.



Gass (2005) distinguishes between four phases of theory regarding the role of language transfer in the last fifty years where initially a great deal of importance was placed on the NL and the use of prior linguistic information was reviewed in a non-NL context (Lado 1957 as cited by Gass 2005) before the influence of the NL on SLA was minimized (Dulay and Burt 1974a as cited by Gass 2005). The third stage of research dealt primarily with the qualitative aspects of the influence of NL, before research was driven by current theoretical issues in language acquisition, as it is today (Gass 2005).

Much of previous research into the role of the L1 in second language acquisition focused on what is known as the Contrastive Analysis Hypothesis, and predicts the difficulties learners may have by finding the differences in the first and second languages (with a systematic comparison of the NL and the target language of L2, and the culture of the NL and that of the L2) (Gass 2005). The problem with this hypothesis however is that it is not predictive enough to outline possible difficulties for the transfer from L1 to L2, that is, although the Contrastive Analysis distinguishes between the close relationship the specific L1 has with the L2 during acquisition, similar “transfer” mistakes were being made when learners had different first languages (Gass 2005). In reaction to this theory of SLA, research turned towards the notion of behaviorism where less importance was placed on the first language and its transfer during second language acquisition. Coined by Dulay and Burt (1974a, 1974b as cited in Gass 2005) in reaction to the Contrastive Analysis Hypothesis, the Creative Construction Hypothesis was influenced by work with L1 acquisition (Brown 1973 as cited in Gass 2005) and stressed that the most important factors within the process of L2 acquisition were ‘universal innate principals’ and not the role of the NL, a theory which speaks for the current legislation of No Child Left Behind, as it de-emphasizes the role played by the first language and predicts unrelated acquisition of the second language.

Other previous theories in SLA such as Ard and Homburg (1983, 1992) argued that transfer was a facilitation of learning and that “general similarities between languages will influence language development even in the absence of specific overt similarity” (Ard and Homburg 1983, 1992 as cited by Gass 2005),

while linguists like Schachter (1983, 1992) claimed that transfer was not a process but rather a constraint on the acquisition process where learners previous knowledge constrains the L2. This is realized in such cases where an L1 Spanish speaker learning English would acquire and understand all modal verbs to be main verbs, as is correct in Spanish (Gass 2005).

Krashen (1981, 1982, 1985 as cited in Gass 2005) developed 5 Basic Hypotheses for understanding how the L1 functions in second language acquisition. The Acquisition-Learning Hypothesis stressed the difference between learning and acquiring language and stressed the importance of meaningful communication in order to acquire (not learn) a second language. The Natural Order Hypothesis explained that second language was acquired in a particular order, and Krashen's Input Hypothesis claimed that development was moved along when comprehensible input was received. Finally, the Monitor Hypothesis and the Filter Hypothesis argued that the brain must edit what has been acquired in the second language before the input is 'filtered in'.

### *2.2.2 Theory Construction in Second Language Acquisition*

In an effort critically analyze the policy of No Child Left Behind and support an analysis with current theories in second language acquisition, Long (1990) provides insight into the field of SLA and how theories or generalizations in research are created and used to analytically support current arguments. According to Long (1990), "theories of SLA are attempts to explain well-attested empirical findings (Long 1990: 649) and are subsequently used to support or predict future research and second language legislation. Unfortunately, as very little second language research funding is available (especially in countries like the United States where SLA research is still a new field), few issues have been investigated exhaustively and sadly, much research remains hidden within graduate study theses and important findings have not been made public (Long 1990). Due to the lack of SLA research or collective corroboration, numerous generalizations or theories of SLA have been created; all arguing that the data used in each study is empirical and evidential support of the theory. This dilemma within second language acquisition research comes into

play when reviewing controversial legislation such as No Child Left Behind, and it is important that in analytical review, any theories or generalizations used to substantiate support or rejection of the characteristics of the policy are in accordance with scientific and universally accepted data regarding how children learn a second language in schools.

According to Long, “it becomes very dangerous to claim that X is an established *fact* or that Y has attained the status of a *generalization* or perhaps even of a *law* when there is disagreement over what constitutes legitimate data and when researchers and textbook writers are not reading or respecting the same literature” (Long 1990: 650). Resulting from this shaky ground within theory construction and disagreement about what a theory requires in order to be legitimized comes various approaches within SLA and research, each with different motivations and empirical support. A behaviorist approach in SLA (prevalent within the scientific fields) uses empirically verified data to support theory, and is often able to predict future events. In a different approach, researchers such as ethnographers and anthropologists work off post hoc understanding of past events and empirical data to support their claims. Unfortunately, as is seen in many scientific fields where competing theories battle for acceptance, the data used by theorists to help explain a phenomenon in support of their claim can often be selective, ignoring opposing studies and focusing solely on research which supports the argument at hand (Long 1990). As mentioned above, this rejection of data which does not support hopeful findings is extremely relevant while reviewing No Child Left Behind. As the legislation is controversial and arguments for or against it are often motivated by personal belief, it is extremely important to analyze the current policy from all points of view and make sure generalizations are repeatedly supported, and it is the rationality of the scientific process that underlies them.

### *2.2.3 Age of Acquisition in Second Language Research*

To begin review of current legislation and second language acquisition, importance is placed on the age that second language learning begins in support for or against childhood models of second language learning. As the outcome of SLA

among adults is different than the outcome of first language acquisition among children, current research aims to understand various age-related effects in second language acquisition. What role does age play in SLA? If the students affected by No Child Left Behind are taught before the critical period or window of opportunity of language acquisition closes, will they be more likely to attain native-like end-states? If this is true, then do stipulations in NCLB matter if age of acquisition is predictive of L2 outcomes? Finally, what age is optimal for second language acquisition and what role does the L1 play within this development?

The age of acquisition is understood as the age at which learners are immersed in the L2 context, typically as immigrants (Birdsong 2006). As the strongest predictor of ultimate attainment, “it is widely recognized that age of acquisition is predictive of L2 outcomes, in the simple sense that age of acquisition is observed to significantly correlate negatively with attained L2 proficiency at the end state” (Birdsong 2006: 12). According to Slobin (1982), “wide variation in learners’ abilities (e.g. intelligence), states (e.g. motivation) and traits (e.g. extroversion) has relatively little effect on most aspects of (first or second) language acquisition by young children” (Slobin 1982 as cited in Long 1990: 657). Therefore, these endogenous variables of interest to L2 researchers, classified by Birdsong (2006) as motivation, psycho-social integration with the L2 culture, aptitude, working memory capacity and learning styles strategy appear to have significantly less effect on the process of second language acquisition if the child is young and has not yet reached adulthood (Birdsong 2006). After 2 to 3 years of second language instruction, children who begin L2 acquisition before puberty achieve higher proficiency than those who begin as adolescents and adults (Krashen, Scarcella and Long 1982).

It has been proven that the age of acquisition predicts the end state or final attainment of a speaker, and if a second language learner is young the possibility of L2 acquisition is more likely (Johnson and Newport 1989, Birdsong and Molis 2001 as cited in Birdsong 2006), but this does not mean that researchers argue that second language acquisition as a young learner does not come without resistance. Quite the opposite; Birdsong (2006) stresses that there is a striking difference between first language acquisition and second language acquisition and although a child will learn a second language much better if the critical period has not been hit, early second

language learning does not always imply native-like attainment. “Second language use, at least among non-L2-dominants, is less automatic and less efficient than L1 use. As increasing demands are made on a finite-capacity functional system, performance declines are to be expected. For this reason, processing deficits are likely to show up earlier and to be more pronounced in typical L2 use than in L1 use” (Birdsong 2006: 34). These constraints on L2 acquisition are all circumstantial, in regard not only to the age of acquisition, but the previous and simultaneous development of the L1.

According to Collier (1989), researchers argue that another key variable in study of second language acquisition is the ‘cognitive development and proficiency in the first language’ (Collier 1989). First language acquisition takes at least 12 years (McLaughlin 1984; de Villiers & de Villiers 1978 as cited in Collier 1989) and from ages 6 to 12 children are still developing the complex skills of reading and writing along with complex rules of syntax, vocabulary etc. This approximately 12 year development of the L1 has a significant impact on the development of L2 proficiency and without continued education in the L1, lower proficiency levels in the L2 and cognitive academic growth suffers (Collier 1989). This subtracted or limited bilingualism (Lambert 1984, Cummins 1981b, 1984, Skutnabb-Kangas 1981 as cited in Collier 1989) is an overlooked and often ignored finding in SLA legislation, and in cooperation with the age of acquisition is the most important factor in predicting academic achievement in a second language. “Herein lies the fallacy in the assumption by educators that once adolescents have acquired basic L2 skills, they will be able to do well in school. In secondary school, the level of cognitive complexity and sequential content knowledge needed for each subject is extremely dependent on prior knowledge. If academic work in the first language is not continued at home or at school while secondary students are acquiring the second language, there may not be enough time left in high school to make up the lost years of academic instruction” (Collier 1989: 520).

Though the cognitive development of the L1 suffers and decreased proficiency of the L2 results when second language acquisition replaces the continued development of the L1, a bilingual education or simultaneous development of both the first and second language not only aids the learning of a second language, but “L1 instruction throughout the elementary school years, coupled with gradual introduction

of the second language, seems to produce a consistent pattern of greater academic achievement in the second language at the end of 4 to 7 years of schooling” (Collier 1989), and bilingual children consistently excel in academics far more than their monolingual counterparts. In aid of this advantage, preschool children who start acquisition of their L2 between the ages of 3 and 5 while continuing development of the L1 (successive bilinguals) actually outperform monolinguals (Collier 1989), and McConnel & Kendall (1987) found that by grade 5, immigrants in bilingual programs in Washington state were scoring at or above the 50<sup>th</sup> NCE (normal curve equivalent).

But what of the learners who are not provided with bilingual education? How quickly will proficiency in the L2 and academic achievement be attained, if at all? With particular weight on the importance of L1 development within second language acquisition, studies by Ekstrand (1976) and Ervin-Tripp (1974 as cited in Collier 1989) show that older students (ages 7 to 9) in full immersion programs learn more quickly and with better proficiency than younger learners. Cummins & Swain (1986) and Genesee (1978) argue that older children (ages 8-12) are more likely to do better in school and achieve L2 proficiency because they have fully developed the necessary L1 and the understanding required to learn and communicate in a language with more developed cognitive functions (Collier 1989). In addition to the conclusive finding that the most optimal age for second language acquisition (in addition to or in replace of the L1) is between the years of 8 and 12, Cummins (1981a), Collier (1987) and Collier & Thomas (1988) found that although basic understanding and fluency in a second language can be achieved in 2-3 years for an immigrant student, 5 to 7 years are required to reach native speaker levels in school language and activity and achieve at or above the 50<sup>th</sup> percentile (NCE). Finally, Collier (1987) and Collier & Thomas (1988) found that children 4 to 7 in full immersion programs may need 1 to 5 more years to test at the same levels as their native-speaking classmates (Collier 1989). Overall, a minimum of 5 years of second language instruction or SL immersion is required to reach scores in the 50<sup>th</sup> percentile.

#### *2.2.4 Long Term Academic Achievement*

In the last review of literature on specific theories in SLA, an in depth study by Thomas and Collier (2002) provides us with results about academic achievement in second language acquisition and provides insight on what language programs are most effective and beneficial to the student. In assessing native Spanish speakers' long term achievement, Thomas and Collier (2002) found that in 50/50 two-way bilingual immersion, native Spanish immigrants in grades 3 to 6 achieved at a median of 62<sup>nd</sup> NCE (71<sup>st</sup> percentile) after 1-2 years of schooling in English in the United States. Further, native Spanish speaking students in 90/10 transitional bilingual education classes (where a student gradually switches from bilingual education into full L2 immersion) achieved 56<sup>th</sup> to 69<sup>th</sup> NCE (61<sup>st</sup> to 68<sup>th</sup> percentile) in grades 1-4, and when moved into English only instruction at grade 5, tested at 51<sup>st</sup> NCE (Thomas and Collier 2002). In 90/10 developmental bilingual education classes, native Spanish speakers scored 56<sup>th</sup> to 63<sup>rd</sup> NCE (61<sup>st</sup> to 73<sup>rd</sup> percentile) for grades 1-4 and in grade 5 outperformed those students from transitional bilingual education by 4 NCEs. Lastly, in 90/10 two-way bilingual immersion classes native Spanish speakers achieved 58<sup>th</sup> to 65<sup>th</sup> NCE (64<sup>th</sup> to 76<sup>th</sup> percentile) for grades 1-4 and in grade 5 outperformed both the transitional bilingual education students and the developmental bilingual education students by a significant 6 NCEs (Thomas and Collier 2002).

The results reviewed above speak convincingly for both native English speaking and native Spanish speaking students in two-way bilingual immersion classes and are indicative of the benefits of bilingualism for both language minority and majority speakers. Achievement of native English speakers in two-way bilingual education showed that they “maintained their English, added a second language to their knowledge base, and achieved well above the 50<sup>th</sup> percentile in all subject areas on norm-referenced tests in English” (Thomas and Collier 2002). Additionally, Thomas and Collier found that “these bilingually schooled students equaled or outperformed their comparison groups being schooled monolingually, on all measures” (Thomas and Collier 2002: 331). Finally, after 4-7 years of dual language schooling, bilingually schooled students outperform comparable monolingually schooled students in academic achievement in all subjects (Thomas and Collier 2002).

In review of theories of second language acquisition, research findings speak most significantly for non-native speakers in two-way bilingual immersion classes, as immigrants with interrupted schooling in their home country tested significantly below grade level when provided instruction only in the L2 (Thomas and Collier 2002). In addition, unless the development of the L2 coincides with academic and cognitive development of the L1, young children learning second languages are at a disadvantage as they have not fully developed important L1 and cognitive skills, and the subtractive nature of the second language acquisition does not benefit further L1 development.

### **3.0 Analysis of No Child Left Behind**

*“These reforms express my deep belief in our public schools and their mission to build the mind and character of every child, from every background in every part of America.”*

*-President George W. Bush, January 2001*

#### **3.1 Foreshadowing NCLB: The Bilingual Education Act of 1968**

In response to a significant difference in the academic performance of white students and Spanish speaking students in the United States, the Bilingual Education Act was created and amended as Title VII of the Elementary and Secondary Education Act (1965) in 1968 and allowed for programs using students’ native language, in addition to English. The initial implementation of this language planning policy was well received, and in 1970, 134 projects with 16 different languages had been created in schools across the country (Liebowitz 1980 as cited in Hornberger 2005). The new legislation gave preference to programs which aimed at developing native-language skills while simultaneously pushing for English proficiency. As a result, additive programs for children with limited English proficiency were added, including “late-exit ‘developmental’ bilingual programs that feature a more gradual transition to English, typically 4-5 years, and two-way bilingual programs, also



known as dual language immersion programs, that include English-speaking children learning a second language alongside language minority children learning English” (Crawford 2002b as cited in Evans and Hornberger 2005). Consequently, the United States finally looked as if it had shifted orientation toward linguistic pluralism to move towards a *language-as-resource* view with the focus on bilingual education programs for both limited English proficient students and native English speakers (Hornberger 2005).

The United States took another step towards bilingual education rights in 1974 with the Supreme Court decision of *Lau vs. Nichols*, which ruled that schools must take affirmative steps to ensure that English learners had access to standard curriculum. The case was brought against the San Francisco Unified School District by Kinney Kinmon Lau and 12 Chinese American students (many of which were U.S.-born) who argued that without proper bilingual education, they were being denied equal education and rejected the notion that equal provision equates to equal education opportunities. Citing Title VI rights of the Civil Rights Act of 1964, the supreme court overturned the courts initial verdict and argued there existed “no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education” (Hornberger 2005:7). That same year, the reauthorization of the Bilingual Education Act took a step backwards by stopping two-way bilingual education programs (involving native speakers learning a second language) before the ban was lifted with the 1978 reauthorization. In constant flux, the 1984 and 1988 reauthorizations under the Reagan administration moved slowly towards non-bilingual programs before it resurged in 1994 under the Clinton administration with more focus on bilingual education and the removal of a previous 3 year limit on the amount of time a student could remain in a Title VII program (Hornberger 2005).

### 3.2 Language Policy within No Child Left Behind: Title III

On January 8<sup>th</sup>, 2002, the No Child Left Behind Act was signed into law under the administration of President George W. Bush as an unfunded mandate in education

reform, and as the most recent reauthorization of the Elementary and Secondary Education Act, passed in order to improve achievement in U.S. schools. No Child Left Behind is built on four key principles for success in U.S. education: stronger accountability for results; greater flexibility for states, school districts and schools in the use of federal funds; more choices for parents of children from disadvantaged backgrounds; and an emphasis on teaching methods that have been demonstrated to work (U.S. Department of Education 2002). What is relevant to this study is the language policy found in Title III of No Child Left Behind, which amends Section 216 of the Department of Education Organization Act (20 U.S.C. 3401 et seq.) by removing the Office of Bilingual Education and Minority Language Affairs and the Office of Bilingual Education, and replacing it with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, a name change which removes reference to bilingual education and effectively shifts the United States' orientation towards multilingualism back to previous views of *language-as-problem* (Hornberger 2005).

Among policy goals, Title III Parts A and B of No Child Left Behind, cited as the English Language Acquisition, Language Enhancement and Academic Achievement Act and the Improving Language Instruction Educational Programs for Academic Achievement Act respectively, serve the purpose of assisting all limited English proficient children, including immigrants and youth, to attain English proficiency and subsequently perform and academically achieve at state and grade level standards. According to the U.S. Department of Education (2002), limited English enrollment rose from 2.1 million in the 1990-1991 academic year to more than 3.7 million in the 1999-2000 academic year, creating a dilemma for language instruction and methodology in schools. Due to this stress on English acquisition and proficiency for non proficient English speakers as a result of repealing the Bilingual Education Act, NCLB pushes for less bilingual educational programs (for both non native English speakers and native English speakers) and predicts the acquisition of English by immigrants and non native speakers in English-only or full immersion L2 classrooms. Although No Child Left Behind focuses less on bilingual education and more on English proficiency, it must be noted that Title III does not explicitly outlaw bilingual education and explicitly advocates neither for nor against it. In addition,

NCLB does allow for funding for transitional bilingual education programs and in some cases dual-immersion.

The No Child Left Behind Act affects virtually every program under the Elementary and Secondary School Act (ESEA). Annual assessments in reading and math from grades 3 to 8 are given, and data is disaggregated for students by poverty level, race, disabilities, limited English proficiency etc. In the realms of second language acquisition and Title III, No Child Left Behind requires teachers be certified as English language proficient, as well as proficient in any other language used by the program. According to the U.S. Department of Education (2002), NCLB requires that curricula be demonstrated to be effective and tied to scientifically based research, and as a result, bureaucracy is reduced and increasing flexibility provides discretion over instruction methods (local entities have the flexibility to choose which scientifically supported methods will be used) (U.S. Department of Education 2002).

The length of time required for adequate L2 acquisition and proficiency is also prescribed within No Child Left Behind, and the legislation predicts that 3 or fewer years of full immersion in English only schools are necessary and adequate in order for children to develop sufficient levels of English language proficiency and also perform at the same levels as other monolingual and native English speaking students on standardized state and national tests (Evans & Hornberger 2005). In order to aid the requirements of English acquisition in No Child Left Behind, the policy provides funding to all schools and districts with Limited English Proficient students (LEPs) which approximates to around \$150 per student (Crawford 2002b). Of these target funds, 95% must be used for grants at the local level to teach LEP students in high-quality language instruction programs that are based on scientifically based research, and funding has indeed increased with the new legislation (Wiley and Wright 2004). Lastly, if funding is appropriated to a school or district with LEP students, the federally mandated requirements of No Child Left Behind (state level academic achievement) must be met or funding is subsequently lost (Evans and Hornberger 2005). The possibility of loss of funding within NCLB effectively shifts accountability from that of the system or government which has legislated such mandates, to that of the performance of the schools, teachers and students. If the lower levels or agencies of the system of language planning do not perform to the

standards of the supranational, aide and assistance in meeting such policy goals is revoked. Along with a shift in attention from bilingualism, this debate regarding funding remains controversial within the new policy.

### 3.3 Current Perspectives on No Child Left Behind

Current opinions and perspectives on No Child Left Behind are plentiful and as a result, numerous ethnographic and quantitative studies have been conducted in reaction to the current policy in order to analyze its effectiveness and relevance in language acquisition and bilingual education. Evans and Hornberger (2005) cite concern over premature conclusions about ‘what works’ in the short term implications of No Child Left Behind as well as lack of consideration for long term unexpected outcomes and side effects, and see conflicts not only with expected time limits on performing at grade level in the second language, but the role the L1 plays within the legislation, and the research done regarding theories in second language acquisition (Evans and Hornberger 2005), therefore “analysis of NCLB suggests that the philosophy and content of the act are in many ways in conflict with proven and established theoretical and empirical foundations by many language education professionals” (Evans and Hornberger 2005: 98). Finally, in highlighting that, due to a shortage of ESL teachers in some institutional settings and schools, regular English teachers are frequently used as teachers of second language acquisition and held accountable for methods and teaching they are not experienced or authorized to teach, Evans and Hornberger (2005) identify the large difference between what the act prescribes and assumes and what the lower institutions and beliefs of teachers and researchers with perspectives on language planning believe and implement.

In a similar review of the current gaps in the policy of No Child Left Behind, Palmer and Lynch (2008) highlight the tension that exists between teachers in 3<sup>rd</sup> and 5<sup>th</sup> grade bilingual classrooms in Texas between state and local bilingual education policy, which pushes for gradual transition from Spanish to English with bilingual educational support, and state and federal accountability policy, which requires high-stakes testing in specific, single languages (Palmer & Lynch 2008). The Texas Assessment of Knowledge and Skills (TAKS) is offered in both English and Spanish

in grades 3-6, and is used to determine the school and district ratings. Students take TAKS in grades 3 and 5 in reading and math. The results from such tests are used to determine the schools Adequate Yearly Progress (AYP) for federal No Child Left Behind mandates. Subsequently, results from the TAKS and AYP determine future funding and support for such schools; if a school fails to show significant progress with test results, educational and LEP support and funding is decreased or removed (Palmer & Lynch 2008). Although students may take the test in either Spanish or English, teachers must decide relatively early which language the student will perform in, in order to properly prepare students for testing. As a result of this testing preparation in one specific language, Palmer and Lynch (2008) argue that children who test in Spanish will be subsequently taught in Spanish, with no real focus on the transition or bilingual education involving English instruction, until the test has been taken. Conversely, children who have been chosen to take the test in English will be taught in English, without the proper schooling or bilingual education to develop cognitive learning skills in their L1 (Palmer & Lynch 2008). In this sense, schools are seen as 'buffered institutions', which interpret and remake reforms at a local level. Teachers must use 'decision-making' processes such as *sense-making-theory* in order to make sense of implausible occurrences (Weick 1995; Westrum 1982; Porace et al. 1989, as cited in Palmer & Lynch 1998). So how do teachers decide which language a child will perform in? All teachers surveyed by Palmer & Lynch (2008) identified instances where TAKS and associated 'language choice in testing' had directly or indirectly influenced their curricula and instructional choices, such as pressures to change the ways in which they taught. The choice of language for testing made by teachers also adds huge responsibility and accountability within the local context. In order to prepare a student to master a test in one specific language (where the child hasn't mastered either the L1 or L2), gradual bilingual transition must be thrown out the window, leaving the student at a disadvantage in both the L1 and L2. Overnight transition from L1 to L2 immersion in order to fully prepare the child is an inevitable result. Further, as state policy calls for transitional bilingual education with a complete transition at approximately 3<sup>rd</sup> grade (far before SLA theories predict L1 is fully developed), problems arise when a student immigrates after the cut-off, resulting in full immersion without proper bilingual support.

In reviewing these dilemmas in high-stakes testing in two languages, Palmer and Lynch (2008) don't intend to imply that a Spanish language version of the test is a problem and should be removed, but instead that the high-stakes, single measure accountability system (which produces negative side-effects) could have negative effects for bilingual education in both Texas and the U.S. (Palmer & Lynch 2008), as it pushes away from bilingual mastery and ironically focuses on monolingualism with the option of dual-language testing. In a step forward, possible solutions to unreasonable mandates within high-stakes testing could focus not on specific results within one-time performance, but instead on attendance, graduation rates, parent-student surveys, grades etc. (Palmer & Lynch 2008), because broader language policy is often implicitly determined through the language policies interpreted in our schools and local contexts (Crawford 2004).

In further review of the effects of No Child Left Behind in the culturally and linguistically diverse state of Texas, Wright and Li (2008) document the role math testing plays in both TAKS and NCLB, and sites but one more discrepancy between views and goals within policy and how they are enacted within local contexts. State math testing is one provision for English language learners in Texas (even for those students enrolled in schools in the U.S. for one year or less). Students who are newcomers to the United States education system (one year or less) are excepted from all state testing, excluding math, as it is thought to be less linguistically difficult (Wright & Li 2008). Unfortunately, this is not the case and the language demands of the math test far exceed the linguistic demands of the math work done in schools. Therefore, in order to test math skills, the test must assure that children understand grade-level English which most have not been taught.

Technically, No Child Left Behind wants to make sure that children are tested in a "valid and reliable" manner, which legislation says can even mean testing children in their native language for up to the first five years of instruction (Wright 2005b), but states have found multilingual educational programs neither easy nor practical, and states such as Texas offer testing and programs in only two languages. Wright and Li (2008) cite instance of two Cambodian students in Texas who must test in English without proper bilingual education (Wright & Li 2008). Wright and Li cite a theory of the 'Wasn't Good Enough' model when both Cambodian students and

their school failed to pass the high-stakes test and master the English language for both English and math testing despite trying their best with the resources given (Wright & Li 2008). Although No Child Left Behind has a mandated goal that all students should pass state tests by 2014, a school can fail this expectation if the LEP population fails to make yearly progress. Therefore, with unreasonable expectations from the mandates for newly arrived LEPs to pass math tests in English, the failure is on the part U.S. federal policy, and “NCLB becomes a language policy as it fails to account for the language proficiency of newcomer ELLs and the time it takes ELLs to learn enough English in order to be able to meaningfully participate in the same state-wide tests as fluent English speakers” (Wright & Li 2008: 262).

Previous studies have attempted to solve the dilemma of math testing in regards to language acquisition, but so far no possible solution is relevant and therefore, “given the lack of research on how to accommodate ELLs on math tests in a valid and reliable manner, ELLs lack of English proficiency becomes a source construct irrelevance” (Wright & Li 2008: 262), and the test produced to predict mathematic achievement turns into a language proficiency test (Wright & Li 2008). As Palmer & Lynch (2008) also clarify, Wright & Li (2008) give characteristics which an effective and future language policy should have, including: checking the quality of education in the home country, considering the LEP students’ opportunity to learn content that English proficient students have already mastered, and looking at how language barriers may prevent equal access within education. As Evans and Hornberger (2005), Wright (2005b), Crawford (2004) and Palmer and Lynch (2008) also argue, Wright & Li (2008) assert that effective language policy should ensure that adequate time to learn both the L1 and L2 is provided, as well as providing required time necessary to learn classroom content before high-stakes testing is conducted (Wright & Li 2008).

In a final effort to highlight the large disconnect No Child Left Behind has between theory and implementation, Harper, de Jong and Platt (2008) argue that the legislation of NCLB fails to recognize English as a second language (ESL) as a specialized academic discipline where teachers should be ‘highly qualified’ (Harper, de Jong & Platt 2008). Much as Evans and Hornberger (2005) claim, Harper, de Jong and Platt (2008) argue that subsequent reauthorization of No Child Left Behind

should acknowledge the special characteristics of ESL and the special skills of its highly qualified teachers. Take for instance the case of *Reading First*, the “largest and most heavily funded educational program initiative in recent U.S. history, which was launched to prepare teachers to provide targeted reading instruction designed to close the achievement gap” (Harper, de Jong & Platt 2008: 268), where unfortunately, the “professional qualifications, disciplinary expertise, and expert roles of ESL specialist teachers have been marginalized at the local level” (Harper, de Jong & Platt 2008).

Florida (the 3<sup>rd</sup> largest state in terms of immigrant population) had over 200 home languages in 2007-2008 where previous state legislature has promoted a policy of inclusion in mainstream classroom settings. In relation to this state and federal policy of full immersion, current No Child Left Behind legislation does not require professional competence or teaching credentials for teachers of English as a Second Language or bilingual education (Harper, de Jong & Platt 2008), and therefore as no requirement for bilingual transition exists, and no requirement for ESL training stands, children miss out on equal opportunities afforded to them by sufficient education based in acquiring a second language, and it is simply assumed that one needs only to be a ‘good teacher with sound teaching strategies’ (Harper, de Jong & Platt 2008). According to Harper, de Jong and Platt (2008), due to the traditional method of teaching ESL (methods of listening, speaking, reading and writing), it might have ‘unwittingly contributed’ to its own misinterpretation, as legislation begins to assume that qualities of ESL teachers are found frequently in teaching styles of normal monolingual educators. Finally, if “future educational policy is to realistically address a truly inclusive goal of improving academic achievement for all learners, ESL teachers expertise must be explicitly included in mainstream education policy and integrated in reforms related to curriculum, instruction, and assessment for students, and in professional development for teachers” (Harper, de Jong & Platt 2008: 281). Finally, the policy for English acquisition teaching stipulated within No Child Left Behind has further shortcomings relevant to teaching methods and adequate certification for ESL teachers when it comes to the goal of implementation and the dilemma of disconnect between goals of policy and actuality of how successful implementation exists. With the documentation of policy-to-practice inconsistencies of No Child Left Behind and in the context of ‘universal achievement through anti-immigrant sentiment’, No Child Left Behind seems quite logical and has



reinforced the dominance of a policy of inclusion by putting LEP students in classrooms where the teachers do not know or understand how to include them (Harper, de Jong & Platt 2008).

In an effort to reconcile with the current policy of No Child Left Behind and think beyond its restrictive and implausible stipulations and mandates, Hornberger (2005) identifies three recommendations for implementing Nichols-based ideologies in ambiguous No Child Left Behind spaces, in an effort to move forward in language planning and multilingual policy. Firstly, Hornberger (2005) urges recognition and celebration of the potential that the push for bilingual education currently and previously has had. Secondly, Hornberger urges researchers and policy makers to latch on to scientifically based research that supports multilingual schooling, and use it to guide multilingual classroom policy. Finally, citing sources of successful multilingual language policy in countries such as South Africa and Bolivia, Hornberger (2005) urges the United States to accept foreign aid from the developing world by gathering inspiration and insight from previous multilingual language in education policies and experiences from abroad. With the view of language-as-a problem and not *language-as-resource* (Ruiz 1984), we have been socialized to reject cultural and linguistic pluralism (Ricento and Hornberger 1996), and Hornberger (2005) rejects compliance with this notion and pushes for change within No Child Left Behind.

#### **4.0 Discussion**

Although much opposition currently exists against the mandates of Title III of No Child Left Behind, in aide of unbiased analyzation, let us not ignore how such policy could be enacted and essentially passed, and recognize possible benefits or policy goals within the legislation. The history of America's language planning and policy has been in constant flux, and a strong bilingualism or strict assimilation debate has been present within United States policy and public opinion as a result of mass immigration during what is still an ongoing process of understanding how this multilingual and pluralistic country should be formed and function. If researchers focus on the present push for bilingual education, it is important to understand the

resistance that it faces. In recent years, ballot initiatives “have been used in an effort to effectively end bilingual education in four states including California (Proposition 227, 1998), Arizona (Proposition 203, 2000), Massachusetts (AG Petition #01-11, 2002), and Colorado (Amendment 31, 2002); and all of these initiatives have been adopted except Colorado’s” (Palozzi 2005: 16). These passed ballot initiatives are pieces of legislation which have been proposed by public citizens and are then rejected or adopted by popular vote (Palozzi 2005). In his research on voter attitude toward language policy issues in the United States, Palozzi (2005) argues that the Language Policy Attitude Scale (LPAS) is the strongest predictor of voting intention used for scientific research. The results found within Palozzi’s research shed light onto the views and opinions of the American public, a majority of who argue for English assimilation and a rejection of bilingual education. In 1994, General Social Surveys (GSS) reported that over 60% of respondents favored making English the official language of the U.S. and that government business should be conducted only in English, and in 1994, GSS found that over 91% of respondents believed that it was important for Americans to speak English (Palozzi 2005: 18). Proposed by Citrin et al. (1990), a cultural hypothesis as prediction or basis for language policy preference in the U.S. is “based on competing notions of national unity and equality, along with a deeply held belief of English as a symbol of American identity where supporters of official English see language as a unifier, which in turn ensures national stability” (Citrin et al. 1990 as cited in Palozzi 2005: 19). This insight into language policy preference sheds light on the reality of bilingual education opposition, and determines the relevance of some ‘conservative’ legislation such as No Child Left Behind as a possible representation of public majority opinion on assimilationist legislation.

This acceptance of competing ideologies and opinions regarding language policy in the United States enables researchers and future policy makers to acknowledge possibly beneficial outcomes or stipulations within No Child Left Behind. Although the majority of immigrant children in the United States are coming from Spanish L1 backgrounds, as we have seen in the linguistic pluralism of Florida, Spanish is not the only first language of a significant number of students. A positive goal of NCLB in this case can be seen in its attempt at perfecting English acquisition in an effort to bring all children ‘onto the same page’. As research done by Wright & Li (2008) shows, if an immigrant LEP student does not come from a Spanish

background, they have less opportunities for bilingual transitional programs, as limited funding overall is available for every possible language a child could have as an L1. Although this contradiction to bilingual education seems irrational, it is simply implausible to assume that every school district will be able to fully accommodate all students from all L1 backgrounds. Therefore, in attempting to teach all LEP students a similar L2 in order to assimilate them to the United States academic system, No Child Left Behind does in fact attempt to make legislative sense (although disappointing in nature) out of what appears to be a multilingual dilemma. What is important however, is that although legislation within Title III of No Child Left Behind may in fact be a representation of the majority of Americans regarding bilingual education and the role of English as a prospective or assumed national language (the United States currently has no national language), although conservative, the implausible mandates the goals the policy sets out are unfortunately not even achievable when mandates are reconciled with proven scientific research for complete English immersion and acquisition.

A lack of scientific research and evidence currently stands as the strongest factor speaking against the legislation of No Child Left Behind. Although the goal of the policy is to spread English proficiency in schools in the United States in order to enable students to achieve at grade-level standards, the policy mandates are in conflict with scientific data and research which effectively prescribe proven methods for second language acquisition. This discrepancy between scientific data within second language acquisition and mandates within legislation begins with Evans and Hornberger's (2005) and Harper, de Jong and Platt's (2008) arguments for lack of certified and qualified instructors such as ESL professionals. If the goal of the policy is to ensure that each child receives appropriate instruction in the subjects taught, there must be provisions for certified teachers of English as a second language in order for progress to be made on high-stakes testing and overall academic achievement. The assumption that all normally qualified elementary school and secondary school teachers of English language and literature are adequate educators for teaching LEP students methods for communication and academic achievement in English is faulted, and, in order for the ideologies prescribed in the legislation to be properly implemented, direct funding must be provided to ensure all schools have qualified ESL instructors. Secondly, scientific research on second language

acquisition demonstrates that if children who have not fully developed their L1 begin to learn a second language subtractively, both languages consequently suffer (Thomas and Collier 2002), as important cognitive functions have not yet been mastered in either language, leaving the child at a disadvantage. Therefore, bilingual education, where the development of the L1 is continued along with development of the L2 is the most effective method for acquiring a second language and the most probable predictor of academic achievement in the second language. Policies within No Child Left Behind which focus solely on English acquisition and stray away from bilingual education are in conflict with this research and as a result, the likelihood of students who are taught in full immersion classrooms without use of their L1 to academically achieve at or above grade level in their L2 of English is extremely small. Finally, the length of time allotted for an LEP student to fully master and acquire English as an L2 is restricted and implausible within the confines of Title III. The duration of schooling in the L2 required for adequate L2 acquisition and proficiency prescribed within No Child Left Behind predicts that 3 or fewer years of full immersion in English only schools are necessary and adequate in order for children to develop sufficient levels of English language proficiency and also perform at the same levels as other monolingual and native English speaking students on standardized state and national tests (Evans & Hornberger 2005). As mentioned in the previous literature review on second language acquisition, Cummins (1981a), Collier (1987) and Collier & Thomas (1988) found that although basic understanding and fluency in a second language can be achieved in 2-3 years for an immigrant student, 5 to 7 years are required to reach native speaker levels in school language and activity and achieve at or above the 50<sup>th</sup> percentile (NCE) (Thomas and Collier 2002).

As is seen from this large discrepancy between the goals of the legislation in Title III of NCLB and the reality of how the policy works, theories of top-down language planning and policy have once again been displayed and perpetuated. With the implausible and unrealistic mandates in the legislation of No Child Left Behind, it appears as if the government is the sole agent for making language planning decisions and that multilingualism is a problem which the supranational agencies must solve in order to maximize the power of the nation. It appears in this sense that policy makers have a structuralist view of language planning, focusing not on how the language is used (accepting multilingualism and bilingual education), but concerned with the

agentivity of language itself and how it can be molded to conform to desired form (Toleffson 1991, 1995). Although this top-down view of language policy and planning may reflect the dominant interests of the United States, the policy of language must be viewed as a fluid process and accept the realities of implementation and how language is used. In order for the ideologies within language planning to function, legislation must be informed of how language acquisition works and moves from policy to practice.

In support of this theory of inclusive and fluid language planning, Ricento and Hornberger's (1996) stress of the importance that social attitudes play in institutional contexts where language policy is to be adopted becomes relevant. As previously mentioned, language development and policy implementation often begins with grassroots approaches, and therefore teachers should be viewed as active agents, with the power to implement policy (Auerbach 1994, 1995 as cited in Ricento and Hornberger 1996). As researched by Palmer and Lynch (2008) regarding language choice for testing, teachers becomes the responsible and accountable agents for making decisions which can be directed by mandates of the policy, and are often the best judges of whether or not certain legislation is in the best interest of the students, as they chronicle the child's development (in particular legislation on No Child Left Behind, see Hornberger 2005, Palmer and Lynch 2008, and Wright and Li 2008). Therefore, Ricento and Hornberger's (1996) argument that existing language policies become ratified through the silence of ELT professionals is indeed still convincing, and it is imperative that future language planning and policy must involve teaching professionals from the bottom-up. The current policy of No Child Left Behind ineffectively recognizes the role ELT professionals play within implementation of language policy, and the stabilized theories of second language acquisition, and without proper acknowledgement of these realities, a large disconnect exists between the goals and ideology involved in the mandates of the policy, and the process or functions of how the policy is adapted to fit real-world language needs.

Herein lies the dilemma: how does policy implementation become effective from the top-down to the bottom-up, or vice versa? Is it truly possible to create fluid motion within language planning policy where needs of minority and majority language speakers must be met? And how can a government or supranational agency

reconcile with the power afforded to it with the duty of creating legislation which prescribes which language a people should speak. In that same respect, how do we acknowledge teaching professionals at the local level and afford them with the power of explicit agentivity they as educators are responsible for? With current theories of language-in-education planning and policy lending support to the top-down theory of how language acquisition in education should function, the bilingual or English language acquisition policy (Title III) of No Child Left Behind is criticized for the disconnect it creates between the ideological and political goals of the policy and current scientific data which substantiates the reality of how children learn and achieve in a second language. What new theories or solutions to language planning policy must be created to fuse sound ideological goals together with scientifically based data for how language works? How best can policy-makers shy away from the structuralist view of language as a problem and accept the reality of multilingualism and cultural pluralism as opportunities for academic growth for both native and non-native speakers of English?

In an effort critically analyze the policy of No Child Left Behind and move forward to create future language planning policies in accordance with current theories in second language acquisition, we turn again to Long's (1990) requisites for theory construction. Once again, Long (1990) argues that "theories of SLA are attempts to explain well-attested empirical findings" (Long 1990: 649) and are subsequently used to support or predict future research and second language legislation. As in the case of No Child Left Behind, due to the lack of SLA research or collective collaboration, numerous generalizations or theories of SLA have been created, all arguing that the data used in each study is empirical and evidential support of the theory. But as the previous analysis has shown, this simply is not true and it appears as though any theories or generalizations used to substantiate support of the characteristics of the policy are not in accordance with scientific and universally accepted data regarding how children learn a second language in schools. Unfortunately, apparent within the legislation of No Child Left Behind, and as is seen frequently in specialized areas such as language planning policy and second language acquisition where competing theories battle for acceptance, the data used by theorists to help explain a phenomenon in support of their claim can be selective, often ignoring opposing studies and focusing solely on research which supports the

argument at hand. Therefore, it becomes essential that all future language in education legislation in the United States must stray away from generalizations, and focus solely on scientifically proven data which substantiates the goals of the policy. Lastly, this requirement is two-fold and future language policy must acknowledge not only research which supports hypotheses for language learning, but actively incorporate majority public opinions in order to best serve the common good within language planning. That is, push for effective bilingual education in order to maintain language minority rights, but also ensure that all methods of English acquisition and proficiency are also effective, in order to enable students to academically achieve on par with their peers in either language. This inclusive theory guarantees unbiased equality from all sides, and minimizes dissent within the policy.

## **5.0 Conclusion**

Although the current legislation of No Child Left Behind undoubtedly creates disconnect between language planning and policy and the reality of how language instruction and acquisition actually functions, review of the functionality of language planning policy gives little hope to how this dilemma is avoided. Perhaps future theories of language planning must be created from need at the local-level, where policy is enacted from a bottom-up perspective. But won't this dichotomization of agencies in language planning create just as much distance? How best do we ensure that LPP functions as a progressive process, and who is to decide? Although the current language legislation within Title III of No Child Left Behind is determined to be ineffective as a means of ensuring proficient English language acquisition or preferred bilingualism, and these discrepancies between policy goals and the reality of implementation within the policy highlight the disconnect between theory and actuality, simple solutions to this dilemma of language plurality in schools have yet to be discovered and research and questioning must continue.

According to the Joint National Committee for Languages & the National Council for Languages and International Studies in Washington, DC, the National Foreign Language Coordination Act of 2009 (S.1010) was announced on May 7, 2009

by Sen. Daniel Akaka (D-HI). Current co-sponsors for this bill include Senators Thad Cochran (R-MI), Christopher Dodd (D-CT), Richard Durbin (D-IL), and Russell Feingold (D-WI), and the bill would establish a National Foreign Language Coordination Council in the Executive Office of the President, directed by a National Language Advisor appointed by the President to oversee, coordinate, and implement continuing national security and language education initiatives (JNCL-NCLIS, 2009). As of now, the bill has not yet been passed, although the possibility looks promising. Unfortunately, no other legislation regarding changes to No Child Left Behind is currently in the pipeline, and the possibility of reauthorization or new policy is extremely dependent upon how the current stimulus package is received. Fortunately, future legislation on bilingual educational policy looks promising as a new administration is in power and beginning to look forward in terms of minority language rights and progress in academic achievement. It can only be hoped that any and all future legislation, although inevitably faulted in some small way, will seek to close the gap between ideology and implementation, and create a reality of language use where policy becomes process becomes practice.



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